

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 3281 - HB 3886**

March 3, 2010

**SUMMARY OF BILL:** Authorizes a DUI offender to be sentenced as a multiple offender if the individual is charged with and convicted of more than one violation regardless of the dates on which the offenses occurred.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$229,100/Incarceration\***

**Increase Local Expenditures – Not Significant**

Assumptions:

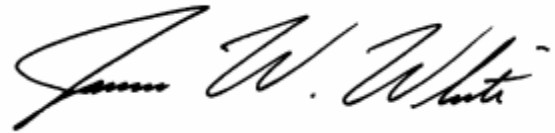
- According to Department of Correction (DOC), there has been an average of 136 admissions for fourth or subsequent DUI offenses in each of the past 10 years. DOC estimates an increase in admissions of five percent (7) offenders as a result of this bill.
- According to the DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on eight offenders.
- According to DOC, the average post-conviction time served for a Class E felony is 1.31 years (478.48 days). The cost per offender at 1.31 years is \$28,641.81 (\$59.86 x 478.48 days). The total additional operating cost for eight offenders is \$229,134.48 (\$28,641.81 x 8).

- Any increase to local expenditures for incarceration costs of multiple offenders will be not significant.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/jaw